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SUBJECT: SOMALI PIRACY:INDUSTRY UNCOMFORTABLE WITH ON-BOARD
SECURITY TEAMS

¶1. SUMMARY: The Oil Companies International Marine Forum (OCIMF) hosted a Joint Industry and Naval Forces Workshop on Somali piracy in London on December 18, 2009. Military representatives from EU Naval Forces, Coalition Forces (CTF-150), and NATO outlined their operations and dilemmas in the Gulf of Aden and the Horn of Africa. Naval operators emphasized the small number of navy ships available, the huge sea areas, and the slippery nature of their adversaries, with today's fishermen being tomorrow's pirates. Participants noted that piracy is becoming a "high growth" industry with some risks but huge rewards. Industry representatives noted the humanitarian toll on the 286 seafarers currently being held hostage. The maritime industry is very uncomfortable with the concept of armed security teams on ships as a tool for fighting Somali piracy. END SUMMARY

Piracy a & Growth Industry8

¶2. International Maritime Organization Secretary General Efthimios Mitropoulos expressed his concern over the growth of piracy and noted the large amount of shipping that passes through the Horn of Africa/Gulf of Aden area. He commended the recent UN Security Council resolutions on Somali piracy that introduce the concept of on-board law enforcement personnel or "shipriders," support international cooperation on piracy, and permit all necessary methods to be employed against pirates. The IMO will support international cooperation, including at a proposed meeting on January 24 in Djibouti, he said.

¶3. Other participants noted that over the past year incidents of piracy and armed robbery at the sea off the Somali coast have significantly increased and it is becoming a "growth industry8 built around ransoms, not ideology. Pirates are robbers, not terrorists, said one participant, and there is no identifiable link between pirates and terrorists. The number of attacks is up five-fold in 2008 but only 0.14 per cent of the 25,000 maritime transits through the area are victims of successful hijacks. Pirates are watching counter-tactics closely and are very adaptable. Military officers with experience in the area commented that

pirates now have good equipment such as GPS systems and satellite phones, and are highly organized, including a Code of Conduct⁸ for pirates that imposes fines⁸ for injuring or killing seafarers and damaging ships.

Military Response Won't Solve Problem

¶4. Rear Admiral Thomas Cropper (Combined Task Force 150) noted the small number of navy ships available, the huge sea areas, and the slippery nature of their adversaries. Simply identifying pirates among the hordes of fishing boats is a major challenge. Rear Admiral Philip Jones (EU NAVFOR) noted legal and policy constraints faced by military forces operating in the region. The combination of a vast, remote area of operation; lack of host nation support; and the need for rapid response makes their task operationally very challenging. Communication, coordination and expectation management at the operational level -- not at the political level -- are keys to maximizing results from the forces available.

¶5. Rules of Engagement are another challenge. Participating forces are governed by substantially different national mandates, with varying rules of engagement. Anti-piracy work pushes the limits of those national mandates in some cases. Naval forces face legal and logistical issues dealing with captured pirates since they are not trained for law enforcement, detention, legal processes, or handling prisoners. National laws are needed to deal with those issues. Extradition and prosecution are problematic, and

agreements with coastal states on detainee handover are not yet complete. Participants agreed that maritime forces cannot eradicate the problem and the ultimate solution lies ashore through an international effort. A measured military approach, a slow-burn closure,⁸ is the best way to ensure the safety of hostages held ashore, said a participant.

SUA Convention Offers a Legal Mechanism

¶6. The United States noted that there are sufficient legal mechanisms to deal with prosecution under the 1988 Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA). SUA provides for parties to accept the delivery of detained suspects into their countries and to prosecute them.

Industry Can Help Its Own Cause

¶7. Rear Admiral Tony Rix (NATO) stressed the importance of commercial ships enhancing resistance and self protection capabilities such as speed, maneuvering away from potential attackers, avoiding high risk areas at night, or rigging fire hoses over side. EU NAVFOR encouraged mariners to use the Maritime Security Center web site (www.mschoa.eu) that has key information on transit details, alerts, and self protection measures, and where ship masters can give feedback on their lessons learnt. Industry said some but not all shipping firms are working to be proactive and to make a Horn of Africa transit, which they called a bad neighborhood,⁸ safer for their ships and crews.

286 Hostages Being Held) High Humanitarian Cost

¶8. Industry representatives (Maersk, Chevron, BIMCO) noted the psychological trauma on the 286 seafarers currently being held hostage, and said that a commercial airliner and passengers being held hostage would provoke a much different response than has been seen from governments towards ship hijackings. Industry is uncomfortable with arming sailors or with having armed security teams on board as a tool for fighting piracy. They say this would escalate the level of violence, and would make pirates more willing to open fire preemptively, or to use heavier weapons. There are also

safety concerns on ships carrying explosive, flammable or dangerous cargoes.

There is a Positive Story to Tell

¶9. Participants noted that media coverage has been focused on pirates' activities and not enough has been written about success stories in avoiding them. Naval officers agreed that a consistent, low-key public message is needed that will thread the needle between complacency and panic. Merchant mariners need to be informed and careful but not overreact. Industry representatives said their crews are scared about operating in the area but are still willing to go.

¶10. OCIMF proposed to meet again in February 2009.

¶11. Comment: Industry representatives repeatedly expressed their appreciation for &wonderful efforts8 made by naval forces in the area.

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